

# WESTFALL

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## LAW PLLC

247 West Fayette Street, Suite 203 · Syracuse, NY 13202 · (315) 412-0440  
5032 Anchor Way, Suite 8 · Christiansted, St Croix 00820 · (340) 227-0017  
Licensed to Practice in New York and the U.S. Virgin Islands

April 4, 2022

Hon. Thomas J. McAvoy  
U.S. Courthouse and Federal Building  
15 Henry Street  
Binghamton, NY 13901

RE: Richard Converse and Stephanie Converse v. State Farm Fire and Casualty Insurance  
Case Number: 5:21-cv-457 (TJM/ATB)

Your Honor:

I am in receipt of the Court's Decision & Order (Doc. No. 24) and Judgment (Doc No. 25), both dated March 31, 2022, which granted defendant's Motion to Dismiss.

I believe the Court has inadvertently marked this case as "closed." After discussing this matter with Michael Welch, Esq., attorney for the defendant, State Farm Fire and Casualty Insurance, we agree that defendant's Motion to Dismiss only sought to dismiss the second and third causes of action contained in plaintiffs' Complaint; but did not dismiss any of the relief requested in plaintiff's First Cause of Action, for breach of contract. Therefore, the case should not be closed.

I respectfully request that the Court accept this letter as a joint letter motion to restore this matter to the Court's calendar and directing defendant to file an Answer, pursuant to FRCP Rule 12. By copy of this letter motion to the attorneys of record for defendant via e-file, I invite defendant to make any comment or objection for the Court's consideration.

Thank you very much your consideration of this request.

Sincerely,

WESTFALL LAW PLLC

*/s/ Ryan L. McCarthy*

Ryan L. McCarthy  
RLM/wlb  
CC: Michael Welch, Esq.